
IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

In Re:) Case No.: 15-26971
Erin L Sudberry-Laudati and)
Vito Laudati, III) Chapter 13
)
Debtor(s).) Honorable Judge Janet S. Baer (KANE)

NOTICE OF MOTION

To: Glenn Stearns, Chapter 13 Trustee ***notice via ECF delivery system***
Erin L Sudberry-Laudati and Vito Laudati, III, 1864 Bluestem Circle Aurora, IL 60504
notice via US Mail
Motor World, C/O Ed Peterson, 550 Roosevelt Road, Glen Ellyn, IL 60137 ***notice via US Mail***
See attached service list

PLEASE TAKE NOTICE that on February 1, 2019 at 9:30 a.m. or soon thereafter as I may be heard, I shall appear before Bankruptcy Judge Janet S. Baer or any other Bankruptcy Judge presiding at Kane County Courthouse 100 S. Third Street, Room 240 Geneva, IL 60134, and shall present the **Motion to Obtain/Incur Debt**, at which time you may appear if so desired.

/s/ David H. Cutler
David H. Cutler, esq.
Attorney for Debtor(s)
Cutler & Associates Ltd.
4131 Main St.
Skokie IL 60076
(847) 673-8600

CERTIFICATE OF SERVICE

The undersigned, an Attorney, does hereby certify that a copy of the Notice and Motion was filed AND sent electronically and via US MAIL to the above captioned by 6:00 p.m. on or before January 16, 2019.

/s/ David H. Cutler
Attorney for Debtor(s)

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MOTION TO OBTAIN/INCUR DEBT

NOW COMES the Debtor's, Erin L Sudberry-Laudati and Vito Laudati, III, by and through their Attorneys, Cutler and Associates, Ltd., and moves the Honorable Court to enter an order authorizing Debtor's to obtain financing for the purchase of a vehicle. In support thereof, Debtor's states as follows:

1. That on August 6, 2015 the Debtor's filed for Chapter 13 protection and their Plan was subsequently confirmed by this Honorable Court on September 25, 2015.
2. The confirmed Plan pays 11% to the unsecured general creditors and the payment monthly Trustee plan payment is \$380.
3. The Debtor's are current on plan payments and have made consistent payments for the entirety of the Bankruptcy plan.
4. That under the confirmed Plan the Debtor's own two vehicles, a 2007 Chrysler Town and County and a 2007 Chevy Equinox. Both vehicles are treated and paid for in the Debtor's plan. The claims have been paid in full per the plan terms, and both lenders still hold titles as the case is still active and has not yet been successfully discharged.
5. The Debtor's informed our office, that the 2007 Chevy Equinox, requires significant repairs beyond the value of the vehicle. Debtor's understand they must safely and properly store this vehicle until they successfully complete the Bankruptcy and receive

- title, before moving forward with any actions on this vehicle.
6. The Equinox is no longer a reliable or safe vehicle for the Debtor's to commute with, with their young children.
 7. That the Debtor's found a 2015 Nissan Altima they wish to purchase.
 8. The Debtor's can afford this new debt, as their mortgage payments have slightly decreased and Debtor, Erin L Sudberry-Laudati has had a small increase in her income, allowing her to afford a new reliable vehicle.
 9. The Debtor's require a second reliable vehicle to commute to and from work and take their young children to and from school and care.
 10. The Debtor's seek permission of this Honorable Court to incur this new debt that will result in them having monthly automobile payments of \$350.51 for 72 months at the 17.25% interest rate. (See Exhibit A)
 11. That the Debtor's have been given affordable terms for the vehicle, given the Bankruptcy status.
 12. That the Debtor's can afford to continue making their monthly Trustee plan payments and the new vehicle payment.
 13. That the Debtor's filed in good faith and intend to complete their plan of reorganization.
- WHEREFORE, Debtor's pray that the Court enter an order that will allow them to incur \$15,657.50 in auto financing with installment payments of \$350.51 monthly at the 17.25% interest rate.

Respectfully submitted;

Erin L Sudberry-Laudati and Vito Laudati, III

By: /s/ David H. Cutler

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